

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1195 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 human services.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 3-7-15-2, AS AMENDED BY P.L.146-2008,
- 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 UPON PASSAGE]: Sec. 2. The general assembly finds that the
- 9 following offices in Indiana provide public assistance within the scope
- 10 of NVRA:
- 11 (1) Each ~~local~~ county office established under IC 12-19-1-1 that
- 12 administers:
- 13 (A) the Temporary Assistance for Needy Families program
- 14 (TANF) under IC 12-14; or
- 15 (B) the Medicaid program under IC 12-15.
- 16 (2) Each office of the division of family resources that administers
- 17 the food stamp program under federal law.
- 18 (3) Each office of the state department of health that administers
- 19 the Special Supplemental Nutrition Program for the Women,
- 20 Infants and Children Program (WIC) under IC 16-35-1.5.
- 21 SECTION 2. IC 6-8.1-7-1, AS AMENDED BY P.L.131-2008,
- 22 SECTION 29, AND AS AMENDED BY P.L.146-2008, SECTION
- 23 359, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 24 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This subsection does not

1 apply to the disclosure of information concerning a conviction on a tax
 2 evasion charge. Unless in accordance with a judicial order or as
 3 otherwise provided in this chapter, the department, its employees,
 4 former employees, counsel, agents, or any other person may not divulge
 5 the amount of tax paid by any taxpayer, terms of a settlement
 6 agreement executed between a taxpayer and the department,
 7 investigation records, investigation reports, or any other information
 8 disclosed by the reports filed under the provisions of the law relating
 9 to any of the listed taxes, including required information derived from
 10 a federal return, except to:

- 11 (1) members and employees of the department;
- 12 (2) the governor;
- 13 (3) the attorney general or any other legal representative of the
 14 state in any action in respect to the amount of tax due under the
 15 provisions of the law relating to any of the listed taxes; or
- 16 (4) any authorized officers of the United States;

17 when it is agreed that the information is to be confidential and to be
 18 used solely for official purposes.

19 (b) The information described in subsection (a) may be revealed
 20 upon the receipt of a certified request of any designated officer of the
 21 state tax department of any other state, district, territory, or possession
 22 of the United States when:

- 23 (1) the state, district, territory, or possession permits the exchange
 24 of like information with the taxing officials of the state; and
- 25 (2) it is agreed that the information is to be confidential and to be
 26 used solely for tax collection purposes.

27 (c) The information described in subsection (a) relating to a person
 28 on public welfare or a person who has made application for public
 29 welfare may be revealed to the director of the division of family
 30 resources, and to any director of a ~~county local~~ **county** office of ~~family~~
 31 ~~and children~~ *the division of family resources* located in Indiana, upon
 32 receipt of a written request from either director for the information. The
 33 information shall be treated as confidential by the directors. In addition,
 34 the information described in subsection (a) relating to a person who has
 35 been designated as an absent parent by the state Title IV-D agency
 36 shall be made available to the state Title IV-D agency upon request.
 37 The information shall be subject to the information safeguarding
 38 provisions of the state and federal Title IV-D programs.

39 (d) The name, address, Social Security number, and place of
 40 employment relating to any individual who is delinquent in paying
 41 educational loans owed to a postsecondary educational institution may
 42 be revealed to that institution if it provides proof to the department that
 43 the individual is delinquent in paying for educational loans. This
 44 information shall be provided free of charge to approved postsecondary
 45 educational institutions (as defined by IC 21-7-13-6(a)). The
 46 department shall establish fees that all other institutions must pay to the

department to obtain information under this subsection. However, these fees may not exceed the department's administrative costs in providing the information to the institution.

(e) The information described in subsection (a) relating to reports submitted under IC 6-6-1.1-502 concerning the number of gallons of gasoline sold by a distributor and IC 6-6-2.5 concerning the number of gallons of special fuel sold by a supplier and the number of gallons of special fuel exported by a licensed exporter or imported by a licensed transporter may be released by the commissioner upon receipt of a written request for the information.

(f) The information described in subsection (a) may be revealed upon the receipt of a written request from the administrative head of a state agency of Indiana when:

(1) the state agency shows an official need for the information; and

(2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

(g) The information described in subsection (a) may be revealed upon the receipt of a written request from the chief law enforcement officer of a state or local law enforcement agency in Indiana when it is agreed that the information is to be confidential and to be used solely for official purposes.

~~(g)~~ (h) The name and address of retail merchants, including township, as specified in IC 6-2.5-8-1(j) may be released solely for tax collection purposes to township assessors and county assessors.

~~(h)~~ (i) The department shall notify the appropriate innkeepers' tax board, bureau, or commission that a taxpayer is delinquent in remitting innkeepers' taxes under IC 6-9.

~~(i)~~ (j) All information relating to the delinquency or evasion of the motor vehicle excise tax may be disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

~~(j)~~ (k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

~~(k)~~ (l) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(m) All information relating to the delinquency or evasion of the

excise taxes imposed on recreational vehicles and truck campers that are payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.1.

~~(n)~~ (n) This section does not apply to:

- (1) the beer excise tax (IC 7.1-4-2);
- (2) the liquor excise tax (IC 7.1-4-3);
- (3) the wine excise tax (IC 7.1-4-4);
- (4) the hard cider excise tax (IC 7.1-4-4.5);
- (5) the malt excise tax (IC 7.1-4-5);
- (6) the motor vehicle excise tax (IC 6-6-5);
- (7) the commercial vehicle excise tax (IC 6-6-5.5); and
- (8) the fees under IC 13-23.

~~(m)~~ (o) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared under IC 6-2.5-6-14.2.

SECTION 3. IC 7.1-5-10-13, AS AMENDED BY P.L.146-2008, SECTION 360, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. A permittee who holds a permit to sell at retail shall not cash a check issued by the ~~local~~ **county** office of the division of family resources or by a charitable organization if any part of the proceeds of the check are to be used to purchase an alcoholic beverage.

SECTION 4. IC 10-13-3-27, AS AMENDED BY P.L.146-2008, SECTION 368, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement agency shall release a limited criminal history to or allow inspection of a limited criminal history by noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has applied for a license and has provided criminal history data as required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement agency;
- (5) is placed under arrest for the alleged commission of a crime;
- (6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;
- (7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;

(8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation; (9) is currently residing in a location designated by the department of child services (established by IC 31-25-1-1) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;

(10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;

(11) is being investigated for welfare fraud by an investigator of the division of family resources or a ~~local~~ **county** office of the division of family resources;

(12) is being sought by the parent locator service of the child support bureau of the department of child services;

(13) is or was required to register as a sex or violent offender under IC 11-8-8; or

(14) has been convicted of any of the following:

(A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Possession of child pornography (IC 35-42-4-4(c)).

(F) Vicarious sexual gratification (IC 35-42-4-5).

(G) Child solicitation (IC 35-42-4-6).

(H) Child seduction (IC 35-42-4-7).

(I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:

(A) Employment with a state or local governmental entity.

(B) Licensing.

(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who knowingly or intentionally uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 5. IC 11-10-7-5, AS AMENDED BY P.L.146-2008, SECTION 369, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The earnings of an offender employed under this chapter shall be surrendered to the department. This amount shall be distributed in the following order:

(1) Not less than twenty percent (20%) of the offender's gross earnings to be given to the offender or retained by the department.

If retained by the department, the amount, with accrued interest if interest on the amount is earned, must be returned to the offender not later than at the time of the offender's release on parole or discharge.

(2) State and federal income taxes and Social Security deductions.

(3) The expenses of room and board, as fixed by the department and the budget agency, in facilities operated by the department, or, if the offender is housed in a facility not operated by the department, the amount paid by the department to the operator of the facility or other appropriate authority for room and board and other incidentals as established by agreement between the department and the appropriate authority.

(4) The support of the offender's dependents, when directed by the offender or ordered by the court to pay this support. If the offender's dependents are receiving welfare assistance, the appropriate ~~local~~ **county** office of the division of family resources or welfare department in another state shall be notified of these disbursements.

(5) Ten percent (10%) of the offender's gross earnings, to be deposited in the violent crime victims compensation fund established by IC 5-2-6.1-40.

(b) Any remaining amount shall be given to the offender or retained by the department in accord with subsection (a)(1).

(c) The department may, when special circumstances warrant or for just cause, waive the collection of room and board charges by or on behalf of a facility operated by the department or, if the offender is housed in a facility not operated by the department, authorize payment of room and board charges from other available funds.

SECTION 6. IC 11-10-8-6, AS AMENDED BY P.L.146-2008, SECTION 370, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The earnings of an offender employed in a work release program under this chapter, less payroll deductions required by law and court ordered deductions for satisfaction of a judgment against the offender, shall be surrendered to the department or its designated representative. The remaining earnings shall be distributed in the following order:

(1) State and federal income taxes and Social Security deductions not otherwise withheld.

(2) The cost of membership in an employee organization.

(3) Ten percent (10%) of the offender's gross earnings, to be deposited in the violent crime victims compensation fund established by IC 5-2-6.1-40.

(4) Not less than fifteen percent (15%) of the offender's gross earnings, if that amount of the gross is available after the above deductions, to be given to the offender or retained by the department. If retained by the department, the amount, with accrued interest, must be returned to the offender not later than at the time of the offender's release on parole or discharge.

(5) The expense of room and board, as fixed by the department and the budget agency, in facilities operated by the department, or, if the offender is housed in a facility not operated by the department, the amount paid by the department to the operator of the facility or other appropriate authority for room and board and other incidentals as established by agreement between the department and the appropriate authority.

(6) Transportation cost to and from work, and other work related incidental expenses.

(7) Court ordered costs or fines imposed as a result of conviction of an offense under Indiana law, unless the costs or fines are being paid through other means.

(b) After the amounts prescribed in subsection (a) are deducted, the department may, out of the remaining amount:

(1) when directed by the offender or ordered by the court, pay for the support of the offender's dependents (if the offender's dependents are receiving welfare assistance, the appropriate ~~local~~ **county** office of the division of family resources or welfare department in another state shall be notified of these disbursements); and

(2) with the consent of the offender, pay to the offender's victims or others any unpaid obligations of the offender.

(c) Any remaining amount shall be given to the offender or retained by the department in accord with subsection (a)(4).

(d) The department may, when special circumstances warrant or for just cause, waive the collection of room and board charges by or on behalf of a facility operated by the department or, if the offender is housed in a facility not operated by the department, authorize payment of room and board charges from other available funds.

SECTION 7. IC 11-12-2-2, AS AMENDED BY P.L.146-2008, SECTION 371, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) To qualify for financial aid under this chapter, a county must establish a community corrections advisory board by resolution of the county executive or, in a county

1 having a consolidated city, by the city-county council. A community
 2 corrections advisory board consists of:

- 3 (1) the county sheriff or the sheriff's designee;
- 4 (2) the prosecuting attorney or the prosecuting attorney's
- 5 designee;
- 6 (3) the director of the ~~local~~ **county** office of the division of family
- 7 resources or the director's designee;
- 8 (4) the executive of the most populous municipality in the county
- 9 or the executive's designee;
- 10 (5) two (2) judges having criminal jurisdiction, if available,
- 11 appointed by the circuit court judge or the judges' designees;
- 12 (6) one (1) judge having juvenile jurisdiction, appointed by the
- 13 circuit court judge;
- 14 (7) one (1) public defender or the public defender's designee, if
- 15 available, or one (1) attorney with a substantial criminal defense
- 16 practice appointed by the county executive or, in a county having
- 17 a consolidated city, by the city-county council;
- 18 (8) one (1) victim, or victim advocate if available, appointed by
- 19 the county executive or, in a county having a consolidated city, by
- 20 the city-county council;
- 21 (9) one (1) ex-offender, if available, appointed by the county
- 22 executive or, in a county having a consolidated city, by the
- 23 city-county council; and
- 24 (10) the following members appointed by the county executive or,
- 25 in a county having a consolidated city, by the city-county council:
- 26 (A) One (1) member of the county fiscal body or the member's
- 27 designee.
- 28 (B) One (1) probation officer.
- 29 (C) One (1) educational administrator.
- 30 (D) One (1) representative of a private correctional agency, if
- 31 such an agency exists in the county.
- 32 (E) One (1) mental health administrator, or, if there is none
- 33 available in the county, one (1) psychiatrist, psychologist, or
- 34 physician.
- 35 (F) Four (4) lay persons, at least one (1) of whom must be a
- 36 member of a minority race if a racial minority resides in the
- 37 county and a member of that minority is willing to serve.

38 (b) Designees of officials designated under subsection (a)(1)
 39 through (a)(7) and (a)(10)(A) serve at the pleasure of the designating
 40 official.

41 (c) Members of the advisory board appointed by the county
 42 executive or, in a county having a consolidated city, by the city-county
 43 council, shall be appointed for a term of four (4) years. The criminal
 44 defense attorney, the ex-offender, and the victim or victim advocate
 45 shall be appointed for a term of four (4) years. Other members serve
 46 only while holding the office or position held at the time of

1 appointment. The circuit court judge may fill the position of the judge
 2 having juvenile court jurisdiction by self appointment if the circuit
 3 court judge is otherwise qualified. A vacancy occurring before the
 4 expiration of the term of office shall be filled in the same manner as
 5 original appointments for the unexpired term. Members may be
 6 reappointed.

7 (d) Two (2) or more counties, by resolution of their county
 8 executives or, in a county having a consolidated city, by the city-county
 9 council, may combine to apply for financial aid under this chapter. If
 10 counties so combine, the counties may establish one (1) community
 11 corrections advisory board to serve these counties. This board must
 12 contain the representation prescribed in subsection (a), but the
 13 members may come from the participating counties as determined by
 14 agreement of the county executives or, in a county having a
 15 consolidated city, by the city-county council.

16 (e) The members of the community corrections advisory board shall,
 17 within thirty (30) days after the last initial appointment is made, meet
 18 and elect one (1) member as chairman and another as vice chairman
 19 and appoint a secretary-treasurer who need not be a member. A
 20 majority of the members of a community corrections advisory board
 21 may provide for a number of members that is:

- 22 (1) less than a majority of the members; and
- 23 (2) at least six (6);

24 to constitute a quorum for purposes of transacting business. The
 25 affirmative votes of at least five (5) members, but not less than a
 26 majority of the members present, are required for the board to take
 27 action. A vacancy in the membership does not impair the right of a
 28 quorum to transact business.

29 (f) The county executive and county fiscal body shall provide
 30 necessary assistance and appropriations to the community corrections
 31 advisory board established for that county. Appropriations required
 32 under this subsection are limited to amounts received from the
 33 following sources:

- 34 (1) Department grants.
- 35 (2) User fees.
- 36 (3) Other funds as contained within an approved plan.

37 Additional funds may be appropriated as determined by the county
 38 executive and county fiscal body.

39 SECTION 8. IC 11-12-5-3, AS AMENDED BY P.L.146-2008,
 40 SECTION 373, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Any earnings of a person
 42 employed under this chapter, less payroll deductions required by law
 43 and court ordered deductions for satisfaction of a judgment against that
 44 person, shall be collected by the county sheriff, probation department,
 45 ~~local county~~ office of the division of family resources, or other agency
 46 designated by the sentencing or committing court. Unless otherwise

ordered by the court, the remaining earnings shall be distributed in the following order:

(1) To pay state and federal income taxes and Social Security deductions not otherwise withheld.

(2) To pay the cost of membership in an employee organization.

(3) Not less than fifteen percent (15%) of the person's gross earnings, if that amount of the gross is available after the above deductions, to be given to that person or retained for the person, with accrued interest, until the person's release or discharge.

(4) To pay for the person's room and board provided by the county.

(5) To pay transportation costs to and from work, and other work related incidental expenses.

(6) To pay court ordered costs, fines, or restitution.

(b) After the amounts prescribed in subsection (a) are deducted, the remaining amount may be used to:

(1) when directed by the person or ordered by the court, pay for the support of the person's dependents (if the person's dependents are receiving welfare assistance, the appropriate ~~local~~ **county** office of the division of family resources or welfare department in another state shall be notified of such disbursements); and

(2) with the consent of the person, pay to the person's victims or others any unpaid obligations of that person.

(c) Any remaining amount shall be given to the person or retained for the person according to subsection (a)(3).

(d) The collection of room and board under subsection (a)(4) may be waived.

SECTION 9. IC 12-7-2-45, AS AMENDED BY P.L.146-2008, SECTION 376, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 45. "County office" refers to a ~~local~~ **county** office of the division of family resources.

SECTION 10. IC 12-7-2-46, AS AMENDED BY P.L.146-2008, SECTION 377, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 46. "County director" refers to a director of a ~~local~~ **county** office of the division of family resources."

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 13. IC 12-15-1.5-8, AS AMENDED BY P.L.146-2008, SECTION 386, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The codirectors of the election division shall provide the division of family resources with a list of the current addresses and telephone numbers of the offices of the circuit court clerk or board of registration in each county. The division of family resources shall promptly forward the list and each revision of the list to each ~~local~~ **county** office.

(b) The codirectors shall provide the division of family resources with pre-addressed packets for county offices to transmit applications

under section 6(1) or 6(2) of this chapter.

SECTION 14. IC 12-15-9-0.6, AS AMENDED BY P.L.145-2006, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.6. (a) The office's claim against assets that are not included in the individual's probate estate may be enforced as set out in IC 32-17-13.

(b) Enforcement of a claim against assets that are not included in an individual's probate estate must be commenced not more than nine (9) months after the decedent's death. This limit does not apply to any assets that were not reported to the ~~local~~ **county** office of the division of family resources."

Page 3, after line 24, begin a new paragraph and insert:

"SECTION 17. IC 12-19-1-1, AS AMENDED BY P.L.146-2008, SECTION 392, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The division shall establish ~~local~~ **county** offices of family resources in each county. ~~or district designated by the division.~~

SECTION 18. IC 12-19-1-2, AS AMENDED BY P.L.146-2008, SECTION 393, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The director of the division shall appoint a ~~local~~ **county** director for each ~~local~~ **county** office.

(b) A ~~local~~ **county** director must be a citizen of the United States.

SECTION 19. IC 12-19-1-3, AS AMENDED BY P.L.146-2008, SECTION 394, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The ~~local~~ **county** director is the executive and administrative officer of the ~~local~~ **county** office.

SECTION 20. IC 12-19-1-4, AS AMENDED BY P.L.146-2008, SECTION 395, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A ~~local~~ **county** director is entitled to receive as compensation for the ~~local~~ **county** director's services an amount determined by the division that is within:

(1) the lawfully established appropriations; and

(2) the salary ranges of the pay plan adopted by the state personnel department and approved by the budget committee.

(b) Compensation paid to a ~~local~~ **county** director shall be paid in the same manner that compensation is paid to other state employees.

SECTION 21. IC 12-19-1-5, AS AMENDED BY P.L.146-2008, SECTION 396, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) In addition to the compensation paid under this article, a ~~local~~ **county** director may receive for each mile necessarily traveled in the discharge of the ~~local~~ **county** director's duties the same amount per mile that other state employees receive.

(b) A ~~local~~ **county** director is also entitled to a per diem for lodging and meal expenses if the ~~local~~ **county** director's official duties require

1 the ~~local~~ **county** director to travel outside of the county where the ~~local~~
 2 **county** director's permanent office is located. The per diem for a ~~local~~
 3 **county** director's lodging and meals shall be paid at the rate set by law
 4 for other state employees.

5 SECTION 22. IC 12-19-1-7, AS AMENDED BY P.L.146-2008,
 6 SECTION 397, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The ~~local~~ **county** director
 8 shall appoint from eligible lists established by the state personnel
 9 department the number of assistants necessary to administer the
 10 welfare activities within the county ~~or district~~ that are administered by
 11 the division under IC 12-13 through IC 12-19 or by an administrative
 12 rule, with the approval of the director of the division.

13 (b) The division, for personnel performing activities described in
 14 subsection (a), shall determine the compensation of the assistants
 15 within the salary ranges of the pay plan adopted by the state personnel
 16 department and approved by the budget agency, with the advice of the
 17 budget committee, and within lawfully established appropriations.

18 SECTION 23. IC 12-19-1-8, AS AMENDED BY P.L.146-2008,
 19 SECTION 398, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE UPON PASSAGE]: Sec. 8. The costs of personal
 21 services in the administration of a ~~local~~ **county** office's duties described
 22 in section 7(a) of this chapter shall be paid by the division.

23 SECTION 24. IC 12-19-1-9, AS AMENDED BY P.L.146-2008,
 24 SECTION 399, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The division shall
 26 provide the necessary facilities to house the ~~local~~ **county** office.

27 (b) The division shall pay for the costs of the facilities, supplies, and
 28 equipment needed by each ~~local~~ **county** office.

29 SECTION 25. IC 12-19-1-10, AS AMENDED BY P.L.146-2008,
 30 SECTION 400, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE UPON PASSAGE]: Sec. 10. Subject to the rules adopted
 32 by the director of the division, a ~~local~~ **county** office shall administer
 33 the following:

34 (1) Assistance to dependent children in the homes of the
 35 dependent children.

36 (2) Assistance and services to elderly persons.

37 (3) Assistance to persons with disabilities.

38 (4) Care and treatment of the following persons, other than
 39 persons for whom the department of child services is providing
 40 services under IC 31 for the following:

41 (A) Dependent children.

42 (B) Children with disabilities.

43 (5) Any other welfare activities that are delegated to the ~~local~~
 44 **county** office by the division, including services concerning
 45 assistance to the blind.

46 SECTION 26. IC 12-19-1-13, AS AMENDED BY P.L.146-2008,

1 SECTION 401, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) A ~~local~~ **county** office
 3 may sue and be sued under the name of "The Office of Family
 4 Resources of _____" ~~(Insert: County". or "District", as~~
 5 ~~appropriate).~~

6 (b) The ~~local~~ **county** office has all other rights and powers and shall
 7 perform all other duties necessary to administer this chapter.

8 (c) A suit brought against a ~~local~~ **county** office may be filed in any
 9 circuit or superior court with jurisdiction in the area served by the ~~local~~
 10 **county** office.

11 (d) A notice or summons in a suit brought against the ~~local~~ **county**
 12 office must be served on the ~~local~~ **county** director. It is not required to
 13 name the individual employees of the ~~local~~ **county** office as either
 14 plaintiff or defendant.

15 SECTION 27. IC 12-19-1-15, AS AMENDED BY P.L.146-2008,
 16 SECTION 402, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) The division may
 18 receive and administer a gift, devise, or bequest of personal property,
 19 including the income from real property, that is to or for the benefit of
 20 an individual receiving payments or services through a ~~local~~ **county**
 21 office.

22 (b) The division shall establish a special fund or an account in a
 23 trust fund for the money received under this section. The expenses of
 24 administering the fund or account shall be paid from money in the fund
 25 or account. The money may not be commingled with money received
 26 from taxation.

27 (c) The treasurer of state shall invest the money in the fund or
 28 account not currently needed to meet the obligations of the fund or
 29 account in the same manner as other public money may be invested.
 30 Interest that accrues from these investments shall be deposited in the
 31 fund or account.

32 (d) Money in the fund or account at the end of a state fiscal year
 33 does not revert to the state general fund.

34 (e) Subject to the approval of the judge or the court of the county
 35 having probate jurisdiction, money in the fund or account may be
 36 expended by the division in any manner consistent with the purposes
 37 of the fund or account created under this section and with the intention
 38 of the donor.

39 SECTION 28. IC 12-19-1-16, AS AMENDED BY P.L.146-2008,
 40 SECTION 403, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) This section does not
 42 apply to money appropriated by the general assembly, including any
 43 federal grant.

44 (b) The family resources trust clearance fund is established to
 45 administer money available to or for the benefit of an individual
 46 receiving payments or services through a ~~local~~ **county** office. The fund

1 shall be administered by the division. Separate accounts in the fund
 2 shall be established, as appropriate, to carry out the purposes of the
 3 donors of the money deposited in the fund.

4 (c) The expenses of administering the fund shall be paid from
 5 money in the fund.

6 (d) Money in the fund may not be commingled with any other fund
 7 or with money received from taxation. The money may be expended by
 8 the ~~local~~ **county** office in any manner consistent with the following:

9 (1) The purpose of the fund or with the intention of the donor of
 10 the money.

11 (2) Indiana law.

12 (e) The treasurer of state shall invest the money in the fund not
 13 currently needed to meet the obligations of the fund in the same
 14 manner as other public money may be invested. Interest that accrues
 15 from these investments shall be deposited in the fund.

16 (f) Money in the fund at the end of a state fiscal year does not revert
 17 to the state general fund.

18 SECTION 29. IC 12-19-1-18, AS AMENDED BY P.L.146-2008,
 19 SECTION 404, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) After petition to and
 21 with the approval of the judge of a circuit court of the county where an
 22 applicant for or recipient of public assistance resides (or, if a superior
 23 court has probate jurisdiction in the county, the superior court that has
 24 probate jurisdiction where the recipient of public assistance resides),
 25 a ~~local~~ **county** office may take the actions described in subsection (b)
 26 if:

27 (1) an applicant for public assistance is physically or mentally
 28 incapable of completing an application for assistance; or

29 (2) a recipient of public assistance:

30 (A) is incapable of managing the recipient's affairs; or

31 (B) refuses to:

32 (i) take care of the recipient's money properly; or

33 (ii) comply with the director of the division's rules and
 34 policies.

35 (b) If the conditions of subsection (a) are satisfied, the ~~local~~ **county**
 36 office may designate a responsible person to do the following:

37 (1) Act for the applicant or recipient.

38 (2) Receive on behalf of the recipient the assistance the recipient
 39 is eligible to receive under any of the following:

40 (A) This chapter.

41 (B) IC 12-10-6.

42 (C) IC 12-14-1 through IC 12-14-9.5.

43 (D) IC 12-14-13 through IC 12-14-19.

44 (E) IC 12-15.

45 (F) IC 16-35-2.

46 (c) A fee for services provided under this section may be paid to the

1 responsible person in an amount not to exceed ten dollars (\$10) each
2 month. The fee may be allowed:

- 3 (1) in the monthly assistance award; or
- 4 (2) by vendor payment if the fee would cause the amount of
- 5 assistance to be increased beyond the maximum amount permitted
- 6 by statute.

7 SECTION 30. IC 12-19-1-19, AS AMENDED BY P.L.146-2008,
8 SECTION 405, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) A responsible person
10 approved under section 18 of this chapter preferably must be a relative
11 or friend of good moral character whose interest is limited to the
12 well-being of the applicant or recipient. However, the responsible
13 person may not be any of the following:

- 14 (1) An employee of the ~~local~~ **county** office.
- 15 (2) The superintendent of a county home.
- 16 (3) A person directly or indirectly financially connected with a
- 17 health facility or an institution giving care to the recipient.
- 18 (4) A person directly or indirectly connected with the operation of
- 19 a health facility or an institution giving care to the recipient.

20 (b) Costs may not be charged by a person or public official in
21 proceedings concerning the appointment of a responsible person under
22 section 18 of this chapter.

23 SECTION 31. IC 12-19-2-2, AS AMENDED BY P.L.146-2008,
24 SECTION 409, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE UPON PASSAGE]: Sec. 2. The following are not
26 personally liable, except to the state, for an official act done or omitted
27 in connection with the performance of duties under this article:

- 28 (1) The director of the division.
- 29 (2) Officers and employees of the division.
- 30 (3) Officers and employees of a ~~local~~ **county** office.

31 SECTION 32. IC 12-19-2-3, AS AMENDED BY P.L.146-2008,
32 SECTION 410, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE UPON PASSAGE]: Sec. 3. An officer or employee of:

- 34 (1) the division; or
- 35 (2) a ~~local~~ **county** office;

36 may administer oaths and affirmations required to carry out the
37 purposes of this article or of any other statute imposing duties on the
38 ~~local~~ **county** office.

39 SECTION 33. IC 12-19-2-5, AS AMENDED BY P.L.146-2008,
40 SECTION 411, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE UPON PASSAGE]: Sec. 5. A person who is related to a
42 ~~local~~ **county** director in the following manner is not eligible for a
43 position in the ~~local~~ **county** office:

- 44 (1) Husband or wife.
- 45 (2) Father or mother.
- 46 (3) Son or daughter.

1 (4) Son-in-law or daughter-in-law.

2 (5) Brother or sister.

3 (6) Niece or nephew.

4 (7) Uncle or aunt.

5 SECTION 34. IC 12-19-2-6, AS AMENDED BY P.L.146-2008,
6 SECTION 412, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE UPON PASSAGE]: Sec. 6. A person prohibited under
8 section 5 of this chapter from employment with a ~~local~~ **county** office
9 may not receive compensation for services performed for the ~~local~~
10 **county** office from appropriations made by the state or by the county.

11 SECTION 35. IC 16-33-3-10, AS AMENDED BY P.L.146-2008,
12 SECTION 436, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE UPON PASSAGE]: Sec. 10. Whenever the circuit court
14 having jurisdiction finds, upon application by the ~~local~~ **county** office
15 of the division of family resources, that the parent or guardian of a
16 client placed in the center is unable to meet the costs that the parent or
17 guardian is required to pay for the services of the center, the court shall
18 order payment of the costs from the county general fund.

19 SECTION 36. IC 16-34-2-1.1, AS AMENDED BY P.L.146-2008,
20 SECTION 444, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE UPON PASSAGE]: Sec. 1.1. (a) An abortion shall not
22 be performed except with the voluntary and informed consent of the
23 pregnant woman upon whom the abortion is to be performed. Except
24 in the case of a medical emergency, consent to an abortion is voluntary
25 and informed only if the following conditions are met:

26 (1) At least eighteen (18) hours before the abortion and in the
27 presence of the pregnant woman, the physician who is to perform
28 the abortion, the referring physician or a physician assistant (as
29 defined in IC 25-27.5-2-10), an advanced practice nurse (as
30 defined in IC 25-23-1-1(b)), or a midwife (as defined in
31 IC 34-18-2-19) to whom the responsibility has been delegated by
32 the physician who is to perform the abortion or the referring
33 physician has orally informed the pregnant woman of the
34 following:

35 (A) The name of the physician performing the abortion.

36 (B) The nature of the proposed procedure or treatment.

37 (C) The risks of and alternatives to the procedure or treatment.

38 (D) The probable gestational age of the fetus, including an
39 offer to provide:

40 (i) a picture or drawing of a fetus;

41 (ii) the dimensions of a fetus; and

42 (iii) relevant information on the potential survival of an
43 unborn fetus;

44 at this stage of development.

45 (E) The medical risks associated with carrying the fetus to
46 term.

- 1 (F) The availability of fetal ultrasound imaging and
 2 auscultation of fetal heart tone services to enable the pregnant
 3 woman to view the image and hear the heartbeat of the fetus
 4 and how to obtain access to these services.
- 5 (2) At least eighteen (18) hours before the abortion, the pregnant
 6 woman will be orally informed of the following:
- 7 (A) That medical assistance benefits may be available for
 8 prenatal care, childbirth, and neonatal care from the ~~local~~
 9 **county** office of the division of family resources.
- 10 (B) That the father of the unborn fetus is legally required to
 11 assist in the support of the child. In the case of rape, the
 12 information required under this clause may be omitted.
- 13 (C) That adoption alternatives are available and that adoptive
 14 parents may legally pay the costs of prenatal care, childbirth,
 15 and neonatal care.
- 16 (3) The pregnant woman certifies in writing, before the abortion
 17 is performed, that the information required by subdivisions (1)
 18 and (2) has been provided.
- 19 (b) Before an abortion is performed, the pregnant woman may, upon
 20 the pregnant woman's request, view the fetal ultrasound imaging and
 21 hear the auscultation of the fetal heart tone if the fetal heart tone is
 22 audible.
- 23 SECTION 37. IC 20-21-2-8, AS AMENDED BY P.L.146-2008,
 24 SECTION 457, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE UPON PASSAGE]: Sec. 8. Upon the presentation of
 26 satisfactory evidence showing that:
- 27 (1) there is a school age individual with a visual disability
 28 residing in a county;
- 29 (2) the individual is entitled to the facilities of the school;
- 30 (3) the individual's parent wishes the individual to participate in
 31 the school's educational program but is unable to pay the expenses
 32 of maintaining the individual at the school; and
- 33 (4) the individual is entitled to placement in the school under
 34 section 6 of this chapter;
- 35 a court with jurisdiction shall, upon application by the ~~local~~ **county**
 36 office of the division of family resources, order the individual to be sent
 37 to the school at the expense of the county. The expenses include the
 38 expenses described in section 10 of this chapter and shall be paid from
 39 the county general fund.
- 40 SECTION 38. IC 20-22-2-8, AS AMENDED BY P.L.146-2008,
 41 SECTION 458, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE UPON PASSAGE]: Sec. 8. Upon the presentation of
 43 satisfactory evidence showing that:
- 44 (1) there is a school age individual with a hearing disability
 45 residing in a county;
- 46 (2) the individual is entitled to the facilities of the school;

1 (3) the individual's parent wishes the individual to participate in
 2 the school's educational program but is unable to pay the expenses
 3 of maintaining the individual at the school; and

4 (4) the individual is entitled to placement in the school under
 5 section 6 of this chapter;

6 a court with jurisdiction shall, upon application by the ~~local~~ **county**
 7 office of the division of family resources, order the individual to be sent
 8 to the school at the expense of the county. The expenses include the
 9 expenses described in section 10 of this chapter and shall be paid from
 10 the county general fund.

11 SECTION 39. IC 34-30-2-46, AS AMENDED BY P.L.146-2008,
 12 SECTION 679, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE UPON PASSAGE]: Sec. 46. IC 12-19-2-2 (Concerning
 14 the officers and other employees of the division of family resources,
 15 including the ~~local~~ **county** offices of the division of family resources).

16 SECTION 40. THE FOLLOWING ARE REPEALED [EFFECTIVE
 17 UPON PASSAGE]: IC 12-7-2-124.6; IC 12-7-2-124.8.

18 SECTION 41. [EFFECTIVE UPON PASSAGE] **(a) The authority**
 19 **of the division of family resources to replace county offices with**
 20 **regional offices is terminated. If the division of family resources**
 21 **has consolidated two (2) or more county offices into a single**
 22 **regional office or has otherwise transferred the responsibilities of**
 23 **one (1) or more county offices to a regional office, the division of**
 24 **family resources shall as soon as practicable reorganize its**
 25 **administrative structure to restore a county director and a county**
 26 **office in each county.**

27 **(b) This SECTION expires July 1, 2010.**

28 SECTION 42. **An emergency is declared for this act."**

29 Renumber all SECTIONS consecutively.

(Reference is to HB 1195 as printed February 20, 2009.)

Representative Crawford